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ABSTRACT

This booklet examines the requirements of the Title IX regulation for physical education and the principles and activities most important for complying with these requirements. It also examines concerns most frequently raised regarding the advisability of the required changes and presents information and suggestions for evaluating and alleviating these concerns. The overview is based on the premise that compliance with Title IX requirements is not only a legal responsibility but an educational responsibility if physical education programs are to contribute optimally to the lives and development of all students. There are two main sections. The first contains a citation of the provisions of the Title IX regulation related to physical education programs and an overview of the basic guidelines according to which compliance should be evaluated. The second section focuses upon issues and activities related to the achievement of compliance. These range from regulation-specific activities such as reviewing physical education requirements and course offerings to ensure nondiscrimination, to activities such as training physical education personnel and developing community support for Title IX compliance efforts. The appendixes include a checklist for the evaluation of compliance progress and a listing of several resources for further information. (MM)

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TITLE IX AND PHYSICAL EDUCATION: A COMPLIANCE OVERVIEW

Adapted by the Resource Center on Sex Roles in Education from

TITLE IX OF THE EDUCATION AMENDMENTS OF 1972: A MANUAL ON PHYSICAL EDUCATION AND SPORTS PROGRAMS

by

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TITLE IX AND PHYSICAL EDUCATION: A COMPLIANCE OVERVIEW

INTRODUCTION

Since the passage of Title IX of the Education Amendments of 1972 and the issuance of its implementing regulation in June of 1975, the implications of Title IX for the physical education programs of elementary and secondary schools and institutions of postsecondary education have been the focus of considerable attention. Title IX provides that

> *No person . . . shall, on the basis of sex, be excluded from participation in, be denied the benefits, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.*

As applied to physical education in the provisions of its implementing regulation, Title IX requires generally that physical education classes may not be conducted separately on the basis of sex and that participation in physical education programs may neither be required nor refused on the basis of sex.

The Title IX regulation as a whole, and the provisions relating to physical education in particular, reflect the assumption that all activities within education institutions are of potentially equal value for persons of both sexes. They imply the belief that the physiological, psychological, and social benefits which may be derived from physical education are of equal importance to males and females, and that the experiences necessary to provide these benefits are the same for both males and females.

This assumption and belief challenge those held by many persons and manifest in many traditional physical education programs that the overall importance of physical education in the lives of female and male students is and should be different, and that the experiences and activities appropriate to physical education for members of one sex are not those most appropriate for the other. Although there has been a significant increase in sex-integrated physical education programs over the past decade, many physical educators and education agencies and institutions advocate and defend the maintenance of sex-segregated and sex-differentiated physical education programs. Reasons of physical and psychological differences between the sexes; reasons of safety; reasons of administrative and organizational convenience; and reasons of philosophical differences between females' and males' programs and teachers are often cited in support of this position.

This booklet will briefly examine the requirements of the Title IX regulation for physical education and the principles and activities most important to the achievement of compliance with these requirements. In so doing, it will also examine some of the concerns most frequently raised regarding the advisability of the required changes, and present information and suggestions for evaluating and alleviating these concerns. It is based upon the premise that compliance with Title IX requirements is not only a legal responsibility but also an educational responsibility if physical education programs are to contribute optimally to the lives and development of all students.

Title IX and Physical Education: A Compliance Overview is organized into two primary sections:

- **Title IX and Physical Education: Reviewing the Requirements**
  This first section contains a citation of the provisions of the Title IX regulation related to physical education programs and an overview of basic guidelines according to which compliance should be evaluated.

- **Title IX and Physical Education: Ensuring Compliance**
  The second section focuses upon issues and activities related to the achievement of compliance. These range from regulation-specific activities such as reviewing physical education requirements and course offerings to ensure nondiscrimination, to more generally relevant but important activities such as training physical education personnel and developing community support for Title IX compliance efforts.

Following these two sections are the Appendices, which include a checklist for the evaluation of Title IX compliance progress in physical education programs, and a listing of several resources for further information.

Two points are imporant to remember in reading this booklet.

First, although physical education and athletics are frequently linked in popular discussion and sometimes linked in their implementation and staffing in education agencies and institutions, they are treated separately within the regulation to implement Title IX, in the administrative policies and structures of most education agencies and institutions, and in the platform statements and position papers of the profession. According to these statements and papers

> **physical education** *is that integral part of the total education which contributes to the development of the individual through the natural medium of physical activity – human movement. In it regular instruction and practices are provided in a variety of physical activities (leading up to and including athletics) that are suited to the nature and needs of the students depending on age and development and that ensure the development of an adequate level of physical fitness.*[1]

> the **intramural** *athletic program provides opportunities for students to utilize, in organized competition with their schoolmates, the knowledge and skills acquired in the basic physical education program. The* interscholastic [*or intercollegiate*] *program provides opportunities in secondary schools* [*or colleges and universities*] *for students with superior athletic ability to develop and utilize fully this talent through organized competition with students of similar ability from other schools.*"[2]

Principles and issues relating to Title IX compliance in physical education differ in significant ways from those related to compliance in athletics; only the former will be discussed in this booklet.

Second, **Title IX and Physical Education: A Compliance Overview** attempts to provide a basic understanding of Title IX compliance requirements and possibilities rather than an exhaustive delineation of specific compliance alternatives. It does not provide a model sex-integrated curriculum because no one model is appropriate to all the variables which influence physical education programs in the education agencies and institutions throughout the country. Education agencies and institutions are urged to use this booklet as a starting point for the development or modification of their own curricula or programs in order that they may make the most effective use of their own human, physical, and financial resources and provide excellence and equal opportunity for students and employees in their physical education programs.

TITLE IX AND PHYSICAL EDUCATION: REVIEWING THE REQUIREMENTS

The Regulatory Provisions

Many provisions of the regulation to implement Title IX bear directly or indirectly on requirements for nondiscrimination in physical education programs. The most directly relevant of these provisions will be cited in the following pages. Some of those which are of less direct relevance, but of potential importance in the consideration of compliance in physical education programs or activities, will be identified briefly following these citations.

The most specific requirements for nondiscrimination in physical education are delineated in §86.34, which reads:

§86.34 Access to course offerings.

A recipient shall not provide any course or otherwise carry out any of its education program or activity separately on the basis of sex, or require or refuse participation therein by any of its students on such basis, including health [and] physical education . . .

(a) With respect to classes and activities in physical education at the elementary school level, the recipient [agency/institution] shall comply fully with this section as expeditiously as possible but in no event later than one year from the effective date of this regulation. With respect to physical education classes and activities at the secondary and post-secondary levels, the recipient [agency/institution] shall comply fully with this section as expeditiously as possible but in no event later than three years from the effective date of this regulation.

(b) This section does not prohibit grouping of students in physical education classes and activities by ability as assessed by objective standards of individual performance developed and applied without regard to sex.

(c) This section does not prohibit separation of students by sex within physical education classes or activities during participation in wrestling, boxing, rugby, ice hockey, football, basketball and other sports the purpose or major activity of which involves bodily contact.

(d) Where use of a single standard of measuring skill or progress in a physical education class has an adverse effect on members of one sex, the recipient institution shall use appropriate standards which do not have such effect.

(e) Portions of classes in elementary and secondary schools which deal exclusively with human sexuality may be conducted in separate sessions for boys and girls.

The other section of particular relevance to nondiscrimination in physical education programs is:

§86.33 Comparable facilities.

A recipient [agency/institution] may provide separate toilet, locker room, and shower facilities on the basis of sex, but such facilities provided for students of one sex shall be comparable to such facilities provided for students of the other sex.

Sections 86.51-86.61, which prohibit discrimination in the employment policies and practices of education agencies and institutions, cover employment within physical education programs or activities. General coverage is provided in §86.51:

§86.51 Employment.

(a) General. (1) No person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination in employment, or recruitment, consideration, or selection therefor, whether full-time or part-time, under any education program or activity operated by a recipient [agency/institution] which receives or benefits from Federal financial assistance.

(2) A recipient [agency/institution] shall make all employment decisions in any education program or activity operated by such recipient in a nondiscriminatory manner and shall not limit, segregate, or classify applicants or employees in any way which could adversely affect any applicant's or employee's employment opportunities or status because of sex.

(3) A recipient [agency/institution] shall not enter into any contractual or other relationship which directly or indirectly has the effect of subjecting employees or students to discrimination prohibited by this [regulation], including relationships with employment and referral agencies, with organizations providing or administering fringe benefits to employees of the recipient . . .

Specific coverage of nondiscrimination in employment criteria, recruitment, compensation, job classification and structure, fringe benefits, and marital and parental status is delineated in §§86.52-86.57. Sex as a bona-fide occupational qualification, an issue which is often raised regarding physical education employment, is treated in §86.61.

§86.61 Sex as a bona-fide occupational qualification.

A recipient [agency/institution] may take action otherwise prohibited by [the employment provisions of this regulation] provided it is shown that sex is a bona-fide occupational qualification for that action, such that consideration of sex with regard to such action is essential to successful operation of the employment function concerned. A recipient shall not take action pursuant to this section which is based upon alleged comparative employment characteristics or stereotyped characterizations of one or the other sex, or upon preference based on sex of the recipient, employees, students, or other persons, but nothing contained in this section shall prevent a recipient from considering an employee's sex in relation to employment in a locker room or toilet facility used only by members of one sex.

The above are the sections of the Title IX regulation which provide the basic criteria for the evaluation of compliance in physical education programs or activities. Two other provisions of the regulation, however, mandate procedures related to the determination of Title IX compliance. These are:

§86.3(c) Self-evaluation. This provision requires that all recipient agencies and institutions conduct a self-evaluation of their policies, programs, and practices in order to identify instances of noncompliance with Title IX requirements, to take modifications to correct any discrimination identified and remedial steps to eliminate its effects, and to maintain records of these modifications and remedial steps on file for a 3-year period following completion of the self-evaluation. Agencies and institutions should have completed such a self-evaluation by July 21, 1976, and records of modifications and remedial steps should now be on file. Physical education programs and activities should have been included in this self-evaluation; the results of this process should now be available to assist agency/institutional personnel in the planning and implementation of compliance programs.

§86.36 (c) Disproportion in classes. Under this provision of the regulation, agencies and institutions are required, if and when they find that a particular class contains a "substantially dispro-

portionate number'' (usually considered to be 80 percent or above) of students of one sex, to take actions to assure themselves that this is not the result of sex discrimination in counseling. The primary significance of this provision is, of course, for counseling programs and staff. In agencies and institutions in which physical education courses are offered on an elective basis, with related course counseling provided by either counseling or physical education staff members, this provision may, however, become relevant to sexually disproportionate enrollment in physical education classes for which no skills prerequisites are specified.

Applying the Regulation: Basic Guidelines

In order to apply the necessarily abstract and technical language of the Federal regulation to the physical education programs of education agencies and institutions, it may be useful to review a number of basic guidelines or principles derived from the regulation.

1. **Physical education programs, courses, classes, or activities may not differentiate between students on the basis of sex.**

   - Any requirements for participation in physical education must be the same for females and males. Male and female students may not be required, on the basis of their sex, to complete different numbers of hours, days, or semesters of physical education. Males and females may not be required to participate in different physical education programs, courses, classes, or activities.
   - Participation in physical education programs, courses, classes, or activities may not be refused to students on the basis of their sex.
   - Physical education courses and classes may not be conducted separately for male and female students (except on those occasions when they deal exclusively with human sexuality). The same is true for most physical education activities.
   - Physical education courses may not be sex-designated.

2. **Title IX does not require any specific curricula or activities within a physical education program; it requires only that those which are offered by an agency or institution be open equally to students of both sexes.**

3. **Title IX does not specify any particular process for the assignment or selection of students for physical education courses or classes. Any procedure may be used if it does not discriminate on the basis of sex.**

4. **Students may be grouped by ability, as assessed by objective standards, within physical education classes or activities. Grouping by objective standards of ability may result in groups composed primarily of students of one sex.**

5. **Students may be separated by sex within physical education classes for participation in wrestling, boxing, rugby, ice hockey, football, and other sports the purpose or major activity of which involves bodily contact.**

6. **Evaluations of students' skills or progress in physical education must be based on standards which do not have an adverse impact on students of one sex.**

   If the use of a single standard or set of standards for the evaluation of both female and male students has an adverse effect upon students of one sex:

- two separate standards or sets of standards, one for males and one for females, should be developed for evaluation of skills or performance; or
- a single standard or set of standards which measure individual student improvement should be adopted.

7. **Physical education facilities and equipment must be allocated without regard to the sex of students or instructors.**

8. **Physical education staff must be assigned teaching and supervisory duties (other than locker room supervision) on the basis of their qualifications rather than their sex or the predominant sex of the students in a particular course, class, or activity.**

9. **Physical education staff may not be treated differentially on the basis of sex in hiring, job assignment or classificiation, compensation, or any other condition of employment.**

10. **Title IX makes no requirements regarding the administrative structure of the physical education department or staff. If, however, any changes are made to accompany the integration of physical education classes by sex, these changes may not have an adverse effect on the employment of members of one sex.**

11. **Elementary schools should have been in full compliance with the regulatory requirements for nondiscrimination in physical education by July 21, 1976. Secondary and postsecondary schools should comply fully as rapidly as possible, but in no event later than July 21, 1978.**

12. **If noncompliance with Title IX requirements for nondiscrimination is identified, two forms of action must be taken:**

    - modifications must be made to correct any policies, procedures, or practices which have been found to discriminate; and
    - remedial steps must be taken to alleviate the effects of any discrimination identified.

    Secondary and postsecondary schools are granted an adjustment period, not a waiting period. Barriers to immediate compliance must be identified, and active steps toward their elimination must be taken during this time interval. Such steps might include: program planning, staff training, curriculum revision, course and class rescheduling, renovation of facilities or construction of additional facilities, etc.

TITLE IX AND PHYSICAL EDUCATION: ENSURING COMPLIANCE

Ensuring compliance with Title IX regulatory requirements for nondiscrimination in physical education programs is a continuing responsibility for all education agencies and institutions receiving Federal funds. Elementary schools, who were required to make all necessary modifications to achieve compliance by July 21, 1976, must now implement monitoring efforts to ensure that these modifications have been successfully installed, to determine their effectiveness, and to reinforce their continuance. Secondary and postsecondary institutions were required by July 21, 1976 to complete an institutional self-evaluation to identify modifications necessary to achieve compliance, to implement all possible modifications immediately, and to develop plans and timelines for the completion of all other modifications by July 21, 1978. Secondary and postsecondary schools must now monitor and evaluate those modifications which are currently in effect, and develop detailed plans for the continuing and progressive completion of modifications which require additional time, as provided by the July 21, 1978 adjustment period.

Regardless of the level of the education institution — elementary, secondary, or postsecondary — or the stage of its compliance efforts, program development and monitoring activities must be organized around a number of basic compliance issues which correspond to the compliance guidelines or principles listed in the preceding pages. These issues and related compliance activities will be discussed in this section.

Physical education program requirements

One of the most basic actions which must be taken to ensure compliance with Title IX requirements is the review of all requirements imposed by an agency or institution regarding student participation in physical education. Any requirements for such participation may be imposed, providing that they do not differentiate between females and males. Illegal differentiation may occur with regard to:

- the amount of participation — the number of hours, days, weeks, semesters, or course units of physical education required for graduation from an agency/institution
- the nature or type of participation — the specific physical education activities, courses, or areas in which students must participate

Females and males may not be required to participate in different amounts or types of physical education as a condition of school attendance or graduation.

Such a requirement for nondiscrimination does not affect the right of an agency/institution to establish requirements for the physical education participation of all students, without regard to sex. In most education agencies and institutions, physical education is an integral part of the total curriculum; requirements for student participation may be imposed in order to ensure that all students benefit from a comprehensive and progressive physical education program. Nondiscriminatory requirements for specific course or activity participation may be utilized in order to ensure that all students are exposed to the diversity of physical education learning experiences which contribute to the development of the basic concepts, values, and behaviors associated with the physically educated person.

For example, many secondary school physical education programs have required that girls take one quarter of field hockey while boys take one quarter of soccer. Such a requirement would be in violation of Title IX. It is possible, however, to achieve the goal of ensuring that all students have some experience with field sports by requiring that all students take one quarter of a field sport, and permitting the stu-

dents to select their sport from a group which might include soccer, field hockey, flag football, etc. Such a requirement would contribute to the comprehensiveness and balance of all students' physical education experiences; it would also be permissible under Title IX.

In reviewing physical education requirements and modifying any which do not comply with Title IX criteria, education agencies and institutions should take care to review and revise any related written descriptive materials — policy documents, course catalogues, program descriptions, etc. — as necessary to reflect any modifications taken.

Physical education curricula — program content and course offerings

Title IX makes no requirements for the specific content of physical education programs; it requires only that any courses, classes, or activities offered be open equally to both females and males.

The goals, objectives, and activities of physical education programs should be determined by the education agency or institution in accordance with the needs of its students, the skills and experience of its faculty, the facilities and equipment available, and sound physical education principles. Professional associations of physical educators have developed and adopted program standards which are recommended for various educational levels, and many local education agencies and postsecondary institutions have developed comprehensive physical education curricula which can promote optimal physical fitness and skills by students at each developmental level. Such standards and curricula can form the foundation of physical education programs which comply with Title IX. Classes need not become recreational, nor need requirements for student participation in a variety of activities be abandoned. Title IX requires only that all physical education programs be examined to ensure that females and males have equal access and support for participation in any curriculum, program, course, class, or activity.

As agencies and institutions review their physical education curricula and course offerings in order to ensure Title IX compliance and sex integration, many have taken the opportunity to examine the goals, assumptions, and adequacy of their overall program. Many physical education programs have reflected an emphasis on the preparation of students, usually males, for participation in competitive sports programs, usually contact sports. A reexamination of curricula and a consideration of activities for their appropriateness to the needs and physical development of students of both sexes often leads to the diversification of the program and the introduction of more courses and activities related to lifetime physical fitness skills — individual sports, conditioning, and recreational carry-over skills. It also frequently results in an increasing emphasis on the individualization of programs and instruction.

An examination of the program options available at each education level — elementary, secondary, and postsecondary — may be useful in the development of programs for coeducational instruction.

According to the 1969 recommendations of the Elementary Physical Education Commission of the Physical Education Division of the American Alliance for Health, Physical Education, and Recreation (AAHPER),

> *The [elementary] instructional program should be designed to: (1) encourage vigorous physical activity and the attainment of physical fitness; (2) develop motor skills; (3) foster creativity; (4) emphasize safety practices; (5) motivate expression and communication; (6) promote self-understanding and acceptance; and (7) stimulate social development. It should include such experiences as basic movement, dance, games, practice in sport skills, stunts, and tumbling work with large and small apparatus. When possible, the program should include aquatics. Each must be so structured that it is interrelated with the others, permitting children to generalize from one learning experience to the next.*[3]

All of the program goals described in this statement are, of course, appropriate to both girls and boys.

At the elementary level, many, if not most, schools currently provide physical education classes on a sex-integrated basis, so that compliance with Title IX requirements for integration of courses and classes may have posed little problem. Sex differentiation at the elementary level more frequently occurs, however, in the separation of males and females during various physical education activities. Beginning at grade 5, many schools have traditionally introduced sports skills to boys, while emphasizing "less aggressive" activities for girls. By grade 5, many boys *and* girls who have been exposed to good physical education in grades K-4 will have developed skill and control at throwing, running, and dodging, and may be ready to test themselves in mild competition and begin to learn some sports. At the same time, both boys and girls may benefit from such activities as dance, stunts, and tumbling, in order to develop the other types of skills required by the physicallly educated person. The values of various motor skills are potentially equal to girls and boys, and the methods of instruction are the same.

Sex segregation in physical education courses, and the provision of differential course options to females and males has been more prevalent at the secondary level than the elementary level. Secondary programs have often been characterized by an emphasis on the provision of contact sports skills to males. This need not, and in fact may not, continue to be the case. A position statement of the National Association for Sport and Physical Education (NASPE/AAHPER) regarding secondary school physical education offers an alternative view. It states that:

> *Physical education is that integral part of total education which contributes to the development of the individual through the natural medium of physical activity which is human movement. It is a carefully planned sequence of learning experiences designed to fulfill the growth, development and behavior needs of each student. It encourages and assists each student to develop the skills of movement, the knowledge of how and why one moves, and the ways in which movement may be organized; to learn to move skillfully and effectively through exercise, games, sport activities, dance and aquatics; to enrich the understanding of the concepts of space, time, and force related to movement; to express culturally approved patterns of personal behavior and interpersonal relationships in and through games, sport and dance; to condition the heart, lungs, muscles and other organic systems of the body to meet daily and emergency demands; to acquire an appreciation of and a respect for good physical condition (fitness), a functional posture and a sense of personal well-being; and to develop an interest and a desire to participate in lifetime recreational sport activities.*[4]

The same statement calls for the secondary school instructional program to include a required core of experiences at progressive performance levels in the following activities: basic and creative movement, rhythm and dance, games, individual and team sports, gymnastics, aquatics where possible, and lifetime sports. It recommends that in addition to core experiences, the selection of courses designed to produce advanced or specialized skills and knowledge should be available. Again, each of these recommendations is equally relevant to physical education for males and for females.

With the frequent emphasis upon diversification of physical education in discussions of Title IX compliance, it is important to note that this need not result in the total exclusion of contact sports from the physical education program, or in a total reliance upon individual and dual sports. Where a program permits at least some course enrollment on an elective-selective basis, students many chose to emphasize those activities which they desire while still benefiting from a variety of experiences within the structure of a comprehensive program.

Professional recommendations regarding curriculum standards for the general physical education program at the postsecondary level again reflect the breadth of course options which may be incorporated within coeducational physical education programs. The College and University Physical Education

Council of the National Association for Sport and Physical Education (NASPE/AAHPER) has recommended curriculum standards for the general program as follows:

> *A broad range of course experiences should constitute a reservoir from which students may select an activity designed to meet their needs and interests and at times and of duration compatible with other univeristy pursuits. While faculty qualifications, space, and facilities may influence course offerings, a quality program should provide a knowledge and understanding of the discipline of physical education through experiences in the following areas: individual, dual, and team sports, rhythms, aquatics, combatives, conditioning, sports appreciation, and recreational carry-over skills. Emphasis should be given to the less traditional areas of survival skills, movement repertoire, and communicative skills, as well as movement for the pure joy of movement.*[5]

Within this range of suggested offerings, there are none which are impossible to present on a sex-integrated basis. At least one recent research effort indicates that experience with sex-integrated course offerings is increasing at the postsecondary level. In a report on the status of general instruction programs of physical education in four-year colleges and universities in 1971-72, Joseph B. Oxendine of Temple University stated that "coeducational courses continue to grow to the extent that the majority of physical education courses are now coeducational."[6]

In short, a review of professional guidelines for physical education programs and curricula indicates that the skills and activities recommended are appropriate and beneficial to both females and males. The Title IX regulatory requirement that physical education courses and classes be conducted on an integrated basis for females and males is a reflection of this appropriateness.

It must be acknowledged, however, that the introduction of coeducational physical education in programs which have been traditionally sex-segregated may, regardless of its long-term desirability, be attended initially by a need for some procedural modifications in the actual implementation of such integrated programs. Modifications in such procedures as those used for the grouping of students (by ability or, more traditionally, by sex), the evaluation of student skill or progress, and the assignment of staff to physical education courses and classes, are addressed by the regulation to implement Title IX. These will be considered in later subsections.

Student course assignment/selection

Title IX requirements do not specify particular criteria or methods to be used in assigning or selecting students for physical education courses or classes; they do, however, render illegal one criterion which has traditionally been used for student course assignment: sex. In implementing physical education programs, agencies and institutions may utilize any procedure for distributing students into physical education courses or classes: random assignment; alphabetical assignment; selection based on skills criteria; student election; etc. Such a procedure may not, however, classify or separate students on the basis of sex, establish quotas for females or males, or in any other way discriminate on the basis of sex.

To ensure compliance with Title IX, it is important that nondiscriminatory criteria and procedures for course assignment/selection be delineated, and that all physical education or counseling staff with responsibility for such assignment/selection be provided guidelines for their application. It is also advisable that a description of such criteria and procedures also be made available to secondary and postsecondary students. Where skills prerequisites are established for admission to a course or class, it is useful to specify these within any relevant descriptive materials — course descriptions, student catalogs, etc. Any sex designations should be removed from course titles.

Grouping students in physical education classes

As many education agencies and institutions move to eliminate sex segregation and to introduce a variety of new activities within their physical education programs, the question of grouping students within physical education courses, classes, and activities assumes particular importance. Students in previously sex-segregated programs are likely to be exposed to new and unfamiliar activities as classes are integrated, and the range of skills levels represented in many classes may be increased. It is in this context that the use of student grouping should be considered.

The Title IX regulation specifically addresses two criteria often utilized in grouping within physical education: student ability and student sex. Before considering its requirements in these areas, however, it may be useful for physical educators to review the fundamental purposes of grouping students for participation in physical education classes or activities:

- Grouping may be used to provide for the safety of students during physical education participation.
- Grouping may be used to increase the individualization of instruction in order to permit each student to progress at the rate most optimal for her or his abilities.

Neither of these purposes is in conflict with Title IX requirements. The effect of Title IX regulatory provisions is rather to ensure that each of these purposes is more truly served by necessitating the reevaluation of the use of student sex as a criterion in grouping for either purpose.

The rationale that segregation of students by sex is necessary to provide for student safety is not justified by recent research evidence. The assumption that girls are more susceptible to injury than boys is not supported by studies which indicate that:

- In preadolescence, females and males are approximately equal in terms of strength, size, flexibility, balance, and other physical factors important for safety and performance in physical education.[7]
- The bones of females are smaller, but not more fragile than those of males; an active female will have the same strong bones as her male counterpart.[8]
- Trained females are no more susceptible to athletic injury than are trained males.[9] When females are trained they experience an increase in heart and lung capacity and muscular strength, as do males provided training.[10]

It is true that some females are less strong than some males, just as it is true that some males are less agile than some females. It is also true that variations in physical characteristics important to safety and performance in physical education activity are likely to be as wide *within* a group of males or a group of females as they are between average students of each sex. It is *individual* differences, not sexual ones, which should be most influential in decisions regarding student safety.

Grouping of students by sex has also been justified in order to facilitate "individualization" of instruction, or on the basis of philosophical differences between programs for females and those for males. Again, differences between students of the same sex in ability, interest, or philosophy related to various physical activities may be as great if not greater than those between the "average female" and the "average male." The assessment of differences in student ability should be made without regard to student sex in order to ensure the most individualized and effective instruction possible. As all course offerings are made available to students of both sexes, students will be provided a better opportunity to determine their own interests and abilities after participation in a diversity of activities. Conflicts related to tradi-

tional differences in philosophy between physical education programs provided for females and those provided for males, usually centered around the degree of competition desirable in physical education and sports activities, should be somewhat alleviated as all students participate in a diversity of activities, competitive and noncompetitive, contact and non-contact.

It is in the context of considerations such as these that education agencies and institutions should examine the criteria employed for grouping students within physical education courses, classes, or activities, and evaluate the practical effects of these criteria, their compliance with Title IX requirements, and their significance for the provision of optimal physical education for all students.

The provisions of the Title IX regulation concern two major criteria used for the grouping of students: student ability and student sex.

Grouping by student ability

The grouping of students by ability in physical education classes or activities can permit the provision of instruction which can assist every student in progressing at the rate most optimal for her or his abilities. In order to comply with Title IX and to use ability grouping in order to meet the needs of male and female students of various abilities, it is important that the following requirements be observed:

- Ability must be assessed by objective standards objectively applied. Standards should be sufficiently clear so that two persons evaluating the same student would reach the same rating. Such clarity is maximized by reliance upon quantitative measures where possible.

- Ability should be assessed for each major unit, sport, or activity undertaken. Students should be grouped for participation in track and field activities according to their abilities in this area, rather than upon their abilities as assessed in wrestling, swimming, or some general measure. Use of a single ability standard for grouping in all activities could function to discriminate against female students.

- Special care should be taken to ensure that any ability or skills measures used for grouping students in classes or activities do not have the practical effect of unnecessarily limiting the opportunities of students of one sex. Ability measures should not have the result of "screeening out" disproportionate numbers of students of one sex unless they can be demonstrated to be directly related to the safety or performance of students in the activity in question. For example, ability to perform a minimum number of pullups (an activity in which most females typically perform less well than most males) should not be a prerequisite for admission to a basketball class because it has not been demonstrated that arm strength is a valid predictor of safety or performance in basketball and such a requirement would serve to reduce unnecessarily the numbers of females eligible to participate. Ability to perform specified elementary dives could, however, be a prerequisite for admission into an intermediate diving class, regardless of the effect of such a prerequisite on males or females, because such performance is demonstrably related to student safety in intermediate diving activities.

Grouping by sex

Students may be grouped or segregated by sex only during participation in contact sports. These sports are defined in the Title IX regulation as wrestling, basketball, boxing, rugby, ice hockey, football, and any other sport the major purpose or activity of which involves bodily contact.

Several points should be understood regarding this provision:

- Students may be separated by sex only during participation in the contact sport. Because four weeks of a one-semester physical education course are devoted to basketball, sex separation of students for the entire course is not justifiable.

- Even within a unit on a contact sport, students should be separated by sex only during actual game play or during skills practice sessions or activities which actually involve bodily contact. For example, although sex separation is permissible for basketball play, it would not be permissible during skills practice sessions involving basket shooting by individual students shooting unguarded by another student.

Sex separation is not mandatory during contact sport participation; decisions regarding the use of sex segregation should be made in consideration of the same factors as any other decision regarding student grouping: the instructional goals for the participation, the skills and ability levels of the students in question, and issues relating to student safety. In many situations, it may be possible and desirable to provide for coeducational participation in contact sports in order to assist students in developing the ability to function comfortably and effectively in group situations involving persons of the other sex. Slight modifications in game rules may be made in order to ensure safety during mixed-sex participation (e.g., the International rules of basketball may be used during coeducational basketball play).

Ability and sex are only two of a number of criteria which may be beneficially employed for grouping in physical education activities. Students may also be grouped by size, by weight, or by socialization level. Further, physical education groupings need not always be organized to provide interaction between students who are alike in ability, size, etc. It is important that all students learn how to interact with persons who are different than they. Students who practice self-defense activities only with persons of comparable size will never learn to defend themselves against larger persons. Students who compete only against persons of like ability level may not develop respect for and understanding of individual differences. Several additional general guidelines can assist physical educators in grouping students in ways which not only ensure Title IX compliance but can increase the effectiveness of physical education programs for all students:

- Use ability groupings only when necessary to improve the level of instruction for all students, to provide for individual needs, or to assure the safety of students.

- Vary activities often enough to permit a variety of groupings.

- Pairing and grouping should not always be by skill or by size but sometimes at random or for other appropriate reasons.

It is important that information on Title IX requirements for student groupings be incorporated within physical education program or curriculum guides and disseminated to all staff. The development and dissemination of specific guidelines to be used for grouping students at various levels or in various activities can greatly facilitate understanding and compliance by all physical education personnel.

Evaluating skill or progress in physical education

Evaluation of students' skills or progress in physical education should be based upon standards which are consistent with the objectives of the course or activity. Title IX requires only that the standards used do not have an adverse impact upon students of one sex. Where use of a single standard for evaluation has such an adverse impact, one of two alternatives must be implemented:

- separate standards or sets of standards, one for females and one for males, must be developed; or

- a standard which measures individual progress must be used.

For example, in a bowling class, experience might show that with practice, a reasonable percentage of males achieve an average score of 200, while a comparable percentage of females can only achieve an average score of 180. In this situation, to establish a standard for an "A" grade which requires achievement of a 200 average would be in violation of Title IX requirements. It would be necessary to adopt the different average scores of males and females as standards for the awarding of a particular grade — in order to obtain an "A", males would be required to obtain an average score of 200; females, a score of 180 — or to develop a standard for measuring individual progress without regard to sex — any student, male or female, attaining a specified increase in his/her average score would receive an "A".

It is advisable that criteria for evaluation be clearly delineated for each course or activity within the physical education program. Where there is doubt about a reasonable standard for use in evaluating skill or progress in a particular area, the governing body of the particular sport may be able to provide information on the standards employed for mixed play. Criteria or standards adopted should be disseminated to all staff, and described in the program or course materials made available to students.

Allocating and managing physical education facilities and equipment

Sex differentiation in the provision of physical education facilities and equipment has characterized many physical education programs at all educational levels. As education agencies and institutions move to integrate their physical education programs for females and males, additional efforts must be undertaken to ensure that physical education facilities and equipment are made equally available to male and female students.

The Title IX regulation permits the maintenance of separate locker rooms and shower facilities for females and males. These separate facilities must, however, be comparable in quality for females and males and proportionate in number to the number of students of each sex participating in physical education programs.

The Title IX regulation requires that, with the exception of locker and shower facilities, all other faciliites and equipment used in physical education be made equally available to females and males. The integration of males and females within physical education courses and classes may, in itself, eliminate some sex differentiation in facilities and equipment — it will no longer be possible, for example, to assign "girls' [or women's] swimming classes" to "the girls' [or women's] pool." If nondiscrimination is to be ensured, however, the practical effects upon female and male students of all decisions regarding the allocation of physical education facilities and equipment must be carefully examined. Sex differentiation might occur, either inadvertently or consciously, through practices such as the following:

- the storage and distribution to students of physical education equipment in sex-separated locker rooms, with provision of different quality equipment in each

- the scheduling of classes or activities which, as a result of student interest or ability grouping, may be predominantly comprised of students of one sex (e.g., male-dominated football classes) before those in which students of the other sex predominate (e.g., female-dominated field hockey), if the result of this scheduling is to consistently give students of one sex "second choice" of equipment and facilities.

- the provision of equipment differentially to various ability groups, if the result of this provision is to

provide different equipment to females and males beyond that which would be justified by the different safety or instructional needs of students of different ability levels.

Every decision relating to the allocation of physical education facilities and equipment must be examined for such possible sexually discriminatory effects. In order to identify such effects, it may be useful to construct a matrix for analysis of all facilities and equipment available for physical education programs, which provides for the listing of:

- all facilities used, with:

  —the date of construction of each
  —a description of any special qualities of each
  —the size of each facility
  —a description of any equipment in each — rings or ropes, barres, baskets, etc.
  —a description of any special markings in each

- all equipment used, with:

  —the date of its acquisition
  —a description of any of its special features
  —a description of its general condition

- the courses, classes, or activity groups using each facility or type of equipment, with:

  —the numbers of female and male students in each
  —the sex of the supervising staff member
  —the period or time interval of use by each course, class, activity (e.g., winter term; Mondays, Wednesdays, Fridays; 10-11 a.m.)
  —the total actual or projected time used by each (e.g., 36 hours)

Any discriminatory effects identified through such an analysis should be corrected, and the procedures and criteria used for the allocation of physical education facilities and equipment revised in order to prevent such effects in the future. Guidelines regarding the procedures and criteria used to ensure nondiscrimination should be provided to all staff with responsibility for the allocation or management of facilities or equipment.

(Note: The Title IX regulation does not prohibit the provision of different safety or protective equipment to females and males if such differences are justified by physical differences between females and males and if the equipment is clearly related to the safety of students during participation in the particular activity in which it is to be used.)

Assigning staff to physical education courses, classes, and activities

Title IX requires that all physical education staff assignments be made on the basis of the qualifications of an individual for a particular position or activity, rather than on the sex of the staff member or the predominant sex of the students involved. The traditional practice of assigning only males to teach males or assigning only females to teach females is prohibited. (The assignment of same-sex supervisors to locker rooms and shower facilities is *not* prohibited by the Title IX regulation.)

Within this general requirement, staff assignments may be made in any manner which results in the most efficient use of staff resources in order to accomplish the goals of the physical education program. Several guidelines may be useful to administrators in making staff assignments:

- Both female and male students can benefit from instruction by same sex and opposite sex instructors.

- The assignment of male-female teaching teams to various courses may be valuable for a number of reasons:

  —It provides a form of inservice training in which teachers of each sex can gain experience in observing and teaching activities with which they are unfamiliar.
  —It provides one method for resolving the problems which many teachers fear regarding potential physical contact with opposite sex students (e.g., in spotting situations, in demonstrating wrestling holds, etc.).
  —It demonstrates collaboration between males and females and provides role models for all students.

- Any physical education program should be built around the strengths of available staff. This is equally true of sex-integrated programs in compliance with Title IX. Where Title IX compliance efforts have revealed an imbalance in the teaching specialties represented in a small staff, it may be possible to develop staff exchange programs with other schools in order to increase the diversity of program offerings.

- Any change in the physical education program or in staff assignments may be met with skepticism, fear, or active resistance by staff members. Staff development is therefore an important part of all Title IX compliance efforts. Inservice training aimed at increasing staff understanding of Title IX requirements and enabling staff members to identify and resolve problems which they anticipate or experience related to program changes is essential.

Ensuring nondiscrimination in employment policies and programs

The employment provisions of the Title IX regulation protect all employees, including those employed in physical education programs. They require that employees or applicants for employment may not be subjected to differential treatment based on sex with regard to:

- recruitment, advertising, and the process of application for employment

- hiring, upgrading, promotion, tenure, demotion, transfer, layoff, termination, differential application of nepotism policies, and rehiring

- pay or compensation

- job assignment or classification, including position descriptions, lines of progression, and seniority lists

- the terms of any collective bargaining agreement

- granting and return from leaves of absence, childbearing or related leave, and childrearing leave

- fringe benefits

- training and conference attendance

- any other privileges of employment

Some of the most common forms of sex discrimination in physical education employment practices include: differential compensation for identical services by male and female teachers; differential assignments of teaching loads to males and females; differential requirements and compensation for extracurricular duties by females and males; differential provision of office space, administrative assistance, or equipment to male and female physical education staff; etc. All such forms of discrimination are prohibited by Title IX, whether they are the result of the traditional practice of the physical education department, formal agency or institutional policy, or the terms of a collective bargaining agreement.

One further requirement is of particular significance to nondiscrimination in physical education employment. If changes in the administrative structure of physical education departments are planned to accompany any programmatic changes required under Title IX, these changes must be carefully examined to ensure that they do not have an adverse effect on the employment opportunities of members of one sex. If, for example, an education agency or institution elects to merge previously separate men's and women's physical education departments into a single administrative structure, this merger must be made in such a way as to avoid the layoff, displacement, or demotion of disproportionate numbers of female (or male) staff members. For example, a merger of the two departments into a single structure in which all administrative positions are held by males would probably be in noncompliance with Title IX requirements.

To ensure that all physical education employment policies, procedures, and practices are in compliance with Title IX requirements, it may be useful for physical education administrators to perform a self-evaluation similar to that required for the education agency or institution as a whole. An outline for such a self-evaluation is presented below.

Review the following materials:

- the organization chart of the physical education department(s)
- job descriptions and statements of qualifications required for all positions in the physical education department
- the salary schedules for all positions, including extra-duty assignments
- copies of policies regarding the assignment of physical education staff to courses, classes, activities, and extra-duty tasks
- copies of all policies regarding the attendance and participation of physical education personnel in training programs, workshops, and conferences
- copies of all policies regarding staff access to and use of physical education facilities and equipment
- copies of all collective bargaining agreements

Collect the following data:

- the numbers of employees by sex for each position in the physical education department(s)
- the average salary and grade by sex of employees in equivalent positions with equivalent years of experience
- list by name and sex of all physical education personnel participating in training programs, workshops, or conferences

- list of all extracurricular assignments undertaken by staff by:

  —name of individual
  —description of assignment
  —rate of compensation
  —method of selection or designation of staff

- a summary of all applications for employment received during the past school year, stating sex of applicant, position applied for, relevant qualifications or lack thereof, and hiring decision made

Determine compliance by answering the following questions:

- Are all employment decisions made in a nondiscriminatory manner?

- Are all decisions regarding recruitment, selection, assignment, promotion, retention, or dismissal of physical education employees made without regard to sex?

- Are all contracts or collective bargaining agreements free from provisions which treat physical education employees differently on the basis of sex?

- Have all criteria, or procedures for selection or placement of physical education staff been reviewed to identify any which have adverse impact on the basis of sex?

- Does assignment of physical education staff to various ranks, levels, or positions suggest a pattern of equal assignment of comparably qualified males and females?

- Are salaries for the same or comparable jobs and responsibilities the same for men and women?

- Are all training, internships, staff development opportunities, tuition grants or other compensation designed to prepare employees for advancement equally available to males and females *unless* they are designed to eliminate underrepresentation of members of one sex?

If the answer to any of these questions is no, corrective and remedial actions may be necessary to ensure compliance with Title IX requirements for nondiscrimination in physical education employment.

Training physical education staff for Title IX compliance

Requirements for the integration of females and males within physical education programs may call into question many of the traditional assumptions and behaviors of both female and male physical educators. Although the Title IX regulation does not contain explicit requirements for the training of physical education staff (or any other staff) to facilitate compliance, the provision of relevant staff training and development efforts may greatly alleviate many potential difficulties in the compliance process and enhance the quality of the physical education programs provided for all students.

All staff with responsibility for the delivery of physical education services to students should be included in Title IX training efforts. In most secondary and postsecondary institutions, such responsbility rests largely with groups or departments of specialized personnel, who are easily identified for training purposes. In many elementary schools, however, the majority of physical education instruction is provided by classroom teachers who receive only infrequent assistance from a physical education supervisor who moves from class to class. Training programs should be designed to provide assistance to these teachers in the delivery of non-sexist physical education programs.

Effective training programs should provide physical education staff with at least three kinds of experiences:

- those which provide an opportunity for staff to increase their cognitive information or knowledge relevant to issues of nondiscrimination in physical education
- those which provide an an opportunity for physical education personnel to explore and express their feelings (positive or negative) about the changes required
- those which provide an opportunity for staff to obtain and practice skills necessary for the provision of nondiscriminatory programs

Each of these types of experiences will be discussed briefly below.

Providing cognitive information or knowledge

Staff training to facilitate Title IX compliance must ensure that physical educators are given the opportunity to gain cognitive information or knowledge related to issues of nondiscrimination in physical education. Such issues include:

- the Title IX regulation, its general requirements, and its specific requirements for physical education programs
- recent research information regarding similarities and differences in the physical growth and development of females and males and in factors relating to their participation in sports and physical activities
- the goals of sex-integrated physical education programs and the rationale for the extension of physical education programs in order to provide a diversity of physical education experiences for both female and male students
- the range of program options and activities available for sex-integrated physical education programs

Providing opportunities for the exploration and expression of feelings

Many staff members may react to Title IX requirements for physical education with strong emotions. Many may react negatively to the basic assumptions regarding the abilities and roles of females and males which are reflected in the Title IX regulation; many others may be uncertain as to their willingness or ability to make the changes in their professional behavior which may be required for Title IX compliance. The opportunity to express both positive and negative feelings and to receive feedback and clarification, where appropriate, is an important component of training programs designed to assist physical educators in learning new behaviors.

The following questions are examples of the problems, fears, or concerns which are frequently raised by physical educators with regard to Title IX compliance. Comments which may help in the clarification of issues and feelings are suggested for each question. It should be noted, however, that there is no single correct answer to each question, and that physical education staff can assist one another in developing answers most relevant to particular situations.

Question: All my life I have taught in a women's (girls') department and I was hired to teach women

(girls). I like my students to be attentive; I maintain good discipline. Male students will be a disruptive influence and I am not going to change at this stage.

or

I'm used to teaching boys (men); I don't have to give them a lot of instructions or baby them along. Boys just jump right in. Girls would lag behind.

Comment: These questions reflect the traditional sex stereotyped notion that "girls are docile and passive; boys are active and energetic." In fact, both girls and boys (women and men) display a full range of human characteristics in general, and reactions to physical activity in particular. Different teaching styles will be effective with different students; the most salient differences are probably individual, not sexual. All teachers, male and female, will become more effective if they are able to adapt their teaching styles to different learning styles of students.

Question: How can I teach wrestling holds to girls or women students? You just cannot have wrestling in a sex-integrated class.

Comment: The Title IX regulation does not require heterosexual wrestling. If girls opt for a wrestling class, they may be separated within the gymnasium during class; they do not have to be on the same mat with boys. Sex-integrated wrestling classes might be well suited to a team teaching approach. Teaming a male and a female teacher in this situation eliminates the need for a teacher to demonstrate holds in ways that may embarrass her/him. An alternative solution might be to ask students of the same sex to demonstrate holds to the class, under the direction of the instructor.

Question: How can I avoid being accused of making sexual advances if I am spotting in a gymnastics class and have to catch a falling student?

Comemnt: Before beginning gymnastics instruction, it is advisable to explain to students the potential hazards in gymnastics, the need for care, and why spotting is necessary. This is another situation in which mixed-sex team teaching may be appropriate, or in which students may be trained to spot others of the same sex.

Question: What about tort liability? What about accidents in a sex-integrated situation?

Comment: Teachers are responsible for the safety of all students. In every situation they must teach in a prudent fashion, bearing in mind the ability and skill of each student. In a sex-integrated class, greater care may need to be taken in student grouping and pairing; it may be advisable to group students by weight, size, and skill in contact and non-contact sports. Teachers should develop an awareness in all students of the importance of playing so that others are not injured. Tort liability holds just as well when a 200 lb. student injures an 80 lb. student of the same sex in a football game or other contact activity.

Question: Who will supervise the locker rooms?

Comment: The Title IX regulation makes no requirements regarding locker room supervision other than to provide that agencies and institutions may require supervision by staff of the same sex as that of the students using the facility. Locker room duty may be the responsibility of paraprofessionals, it may be declared a teaching station, or it may be allocated in any other way appropriate to the local situation.

Question: What about dress standards in sex-integrated physical education?

Comment: Imposition of different dress standards for female and male students is in violation of the Title IX regulation. A policy may be established regarding requirements for appropriate and safe dress for physical education participation, but the policy must be applied equally to all students. If females are required to wear gym uniforms, then males must be required to wear them also. It is permissible, however, to require the use of different types of protective equipment by females and males, if such differences are justified by actual physical differences related to safety in the activities involved.

Questions: Won't participation in active sports cause women to develop bulging muscles and injure their reproductive organs?

Comment: It is androgen, the male hormone, which is largely responsible for muscular development. Therefore, even with training, most women will not develop bulging muscles.[11] The female reproductive organs are in a protected position which makes them virtually invulnerable to injury, and there is no evidence that strenuous athletic participation increases the likelihood of obstetrical abnormalities.[12]

Providing opportunities for obtaining and practicing skills of nonsexist physical education instruction

The delivery of nonsexist physical education services is not only a matter of administrative and programmatic equity, but also a matter of the actual skills of instructional staff. Sexist messages may be communicated in a variety of subtle or unconscious ways, and these messages may function to diminish the value gained by coeducational sports participation.

It is therefore useful to provide training experiences which can allow physical education staff to:

- identify instances of sex discrimination or stereotyping in classroom or instructional behavior, e.g.:
  - —asking for three boys (rather than three strong students) to put up nets or move heavy equipment
  - —equating sex and performance standards ("Shape up, John, you're throwing like a girl," or "Good girl, Mary, you're throwing like a boy.")
  - —counseling students on physical education course selection in a sexist manner ("José, if you come out for this football class, you won't have to take field hockey with the girls.")
  - —lining up students by sex
  - —assisting females when they fall during physical education participation while expecting boys to get up independently
- practice nonsexist responses to various problem situations
- identify their own strengths and weaknesses in physical education skills
- obtain training in skills and activities which may contribute to their ability to provide diversified instruction to both females and males
- work with other staff members as a means of extending their skills into areas which may be nontraditional for their sex
- develop specific action plans for the continuing review and modification of physical education programs and personal teaching behavior to provide better instruction to students of both sexes.

In implementing training programs, it is important to remember that training and its reinforcement should be a continuing process. An individual training event (or a series of training events) is more likely to bring about change if it is supported by curriculum review efforts, by administrative and supervisory acknowledgement of positive changes, by periodic distribution of updating and monitoring materials, etc. Staff will need time and support if they are to examine and modify longtime assumptions and behavior patterns and to develop full commitment to nonsexist programs.

Increasing student understanding of Title IX requirements

Just as Title IX requirements may conflict with the assumptions of some physical educators, they may also conflict with some of the attitudes and assumptions of students themselves. Students also need to be helped to understand the requirements of Title IX for nondiscrimination in physical education and the importance of a diversity of physical education experiences for both females and males. This can be handled by in-class discussion of the issues, by general orientation sessions, or by the distribution of written information and materials. Young people often reflect the attitudes of the adults with whom they associate. If changes in the physical education program are approached by staff as normal and desirable, those students who initially disagree are likely to reflect this positive attitude.

Building community awareness and support.

The Title IX regulation requires that a statement of the agency or institutional policy not to discriminate against students or employees on the basis of sex and to comply with Title IX requirements be made in local newspapers and in all relevant school publications (memoranda to parents, course catalogs, etc.). Initial notification was required by October 19, 1975; responsibilities for continuing notification are ongoing.

Because of the controversy which has accompanied some of the physical education requirements, it is advisable that special efforts be made to increase the understanding of community members regarding Title IX requirements in this area, the rationale for nondiscrimination in physical education programs, and agency/institutional compliance efforts. Public meetings may be scheduled where changes connected with sex integration of physical education programs may be explained and discussed. The local media, both print and broadcast, may be included in these briefings. The person in the school administration with responsibility for news dissemination should be encouraged to prepare and distribute information on this subject.

If such efforts are to be successful, it is critical that they have the full support of all physical education administrators and staff. Compliance efforts must be presented in a positive light, with emphasis placed upon their potential benefits to all students.

FOOTNOTES

[1]Secondary School Physical Education: A Position Paper of the Secondary School Physical Education Council of the National Association for Sport and Physical Education of AAHPER, Washington, D.C. (Revised 1976).

[2]Athletics In Education: A Platform Statement by the Division of Men's Athletics, American Association for Health, Physical Education, and Recreation, Washington, D.C. (Resived 1972).

[1]National Association for Sport and Physical Education, *Secondary School Physical Education: A Position Paper of the Secondary School Physical Education Council* (Washington, D.C.: American Alliance for Health, Physical Education, and Recreation, 1976).

[2]Division of Men's Athletics, *Athletics in Education: A Platform Statement* (Washington, D.C.: American Association for Health, Physical Education, and Recreation, 1972).

[3]Elementary School Physical Education Commission, *Essentials of a Quality Elementary School Physical Education Program: A Position Paper* (Washington, D.C.: American Association for Health, Physical Education, and Recreation, Physical Education Division, 1969).

[4]National Association for Sport and Physical Education, *Secondary School Physical Education: A Position Paper* (Washington, D.C.: American Alliance for Health, Physical Education, and Recreation, 1976).

[5]Task Force of the College and University Physical Education Council of the National Association for Sport and Physical Education, "Standards for the General College Physical Education Program." *Journal of Physical Education and Recreation* (September 1975).

[6]As quoted by Marjorie Blaufarb in: *Title IX of the Education Amendments of 1972: A Manual on Physical Education and Sports Programs* (Washington, D.C.: American Alliance for Health, Physical Education, and Recreation, 1976).

[7]Jack H. Wilmore. "Exploding the Myth of Female Superiority," *The Physician and Sports Medicine*, excerpted in *The New York Times*, 7 July 1974, as cited in U.S. Congress, House, *Review of Regulations to Implement Title IX, Hearings Before the Subcommittee on Postsecondary Education of the Committee on Education and Labor*, 94th Cong., 1st sess., 1975, p. 290.

[8]Kathleen M. Engle, "The Greening of Girls' Sports," *Nation's Schools*, September 1973, p. 30.

[9]*Ibid.*

[10]Marlene Adrian, "What Research Tells Us About the High School Girl," *AIAW/GWS (Association for Intercollegiate Athletics for Women/Girls and Women in Sports) News*, Spring 1975, p. 1

[11]Dorothy Harris, "Conditioning for Stress in Sports," in Dorothy Harris, ed., *DGWS Research Reports: Women in Sports*, vol. II (Washington, D.C.: American Association for Health, Physical Education, and Recreation, 1973), p. 78.

[12]Allan J. Ryan, "The Female Athlete — Gynecological Considerations," paper presented at the Research Council Symposium on the Female Athlete, American Association for Health, Physical Education, and Recreation, Anaheim, California, 31 March 1974, p. 11.

APPENDIX A
CHECKLIST FOR EVALUATING TITLE IX COMPLIANCE PROGRESS

The following is a checklist which education institutions/agencies may use to assess Title IX compliance progress in physical education programs. Two kinds of questions are provided. The numbered questions reflect specific regulatory requirements; the sections of the regulation relevant to each question are indicated in brackets. The questions listed under these either are derived from the regulation or are procedures which would be useful in meeting regulatory requirements. Indicate "yes" answers to these questions by placing a check in the appropriate columns.

	Has this been reviewed?	Is the institution/agency in compliance?
1. Are physical education requirements the same for males and females? [§86.34]	_____	_____
—Have policy directives regarding these requirements been disseminated to administrators and members of the physical education staff?		
—Has a statement regarding these requirements been disseminated to all students?		
2. Do course descriptions make it clear that all physical education courses are open to male and female students? [§86.9(2)]	_____	_____
—Have all students been informed of their right to nondiscrimination in physical education programs?		
—Do course descriptions state the criteria for measurement of skills where these are employed as a condition of course admission?		
—Have counselors and staff who assist with course enrollment been provided clear guidelines for nondiscrimination in course enrollment/assignment?		
3. Are physical education classes conducted on a coeducational basis except during participation in contact sports? [§86.34(c)]	_____	_____
—Do classes provide for a range of activities which meet the interests, skills, and abilities of male and female students?		
—Have course enrollments been examined by sex to identify disproportionate enrollments?		
—Have the criteria used in assigning students to courses, classes, or ability groupings been reviewed to ensure nondiscrimination?		
—Have all physical education staff received guidelines and/or training for the use of sex-segregated groupings during contact sports?		

	Has this been reviewed?	Is the institution/agency in compliance?
4. Are criteria used for measurement of progress within a physical education course or program free of adverse effects upon students of one sex? [§86.34(d)]	_____	_____
—Have the criteria used for measurement of progress been delineated by the physical education staff?		
—Have guidelines for the measurement of progress been provided to all members of the physical education staff?		
—Are criteria used for measurement of progress in physical education classes made available to students?		
—Has the application of evaluation criteria been reviewed to ensure that they do not result in an adverse effect on students of one sex?		
—If evaluation criteria have been identified which have an adverse effect on members of one sex, has one of the following alternatives been implemented:		
• delineation of two separate sets of criteria, one for males and one for females?		
• delineation of criteria for the measurement of individual progress?		
5. Are physical education facilities and equipment equally available to males and females according to the same criteria? [§86.31(2)]	_____	_____
—Has an analysis been made of the policies used in allocation of facilities and equipment?		
—Has the application of these policies been examined to ensure that it is free from adverse effect on students of one sex?		
6. Do all physical education employment policies and practices require and provide equal treatment of staff on the basis of sex? [§86.51(a)]	_____	_____
—Are job assignments made on the basis of qualifications and not on the basis of sex?		
—Are schedules of compensation free from differentiation on the basis of sex?		
—Are all extra-duty assignments equally available to members of both sexes?		
—Is compensation for extra duty comparable for male and female staff?		
—Are decisions regarding staff access to equipment and facilities made without regard to sex?		

	Has this been reviewed?	Is the institution/agency in compliance?
—Are decisions regarding fringe benefits and conditions of employment based on factors other than sex?		
—Does the administrative structure of physical education programs ensure equal opportunity to male and female members of the staff?		
7. Was an institutional self-evaluation of the policies and practices within physical education programs completed? [§86.3(c)] (Required by July 21, 1976)	_____	_____
—Have sufficient data been collected from existing records and representative samples of staff and students?		
—Have all necessary corrective steps been taken unless barriers to their immediate implementation have been identified?*		
—Have all necessary remedial steps been taken unless barriers to their immediate implementation have been identified*		
—Have plans been made and timelines established for the elimination of barriers to compliance?* Do these involve: • staff training? • curriculum revision? • rescheduling? • renovation or reconstruction of facilities?		
8. Have records of corrective and remedial actions been placed on file and scheduled for maintenance for a minimum of a 3-year period [§86.3(d)]	_____	_____
—Has information regarding Title IX compliance efforts in physical education been made available to staff, students, and interested members of the community?		

List any activities referred to above which have not been completed.

If any of the numbered activities appear on your list, you may need to take immediate steps to ensure Title IX compliance. If other activities are listed, you should consider the positive benefits and, in some

*Secondary and postsecondary schools are permitted an adjustment period until July 21, 1978 in which to achieve full compliance *if* significant barriers to immediate compliance have been documented. Elementary schools were required to achieve full compliance by July 21, 1976.

instances, the implicit requirement of implementing these steps as a method of ensuring full compliance. You may wish to review the Title IX regulation as a method of establishing priorities for implementation of the activities.

In thinking about the tasks that need to be completed, the following form may be useful.

TASK TO BE ACCOMPLISHED: _____

Steps required for task	Person(s) responsible	Date to be completed

APPENDIX B
PHYSICAL EDUCATION RESOURCES

The issue of sex equality in physical education programs is comparatively new. Few resources have been developed which provide specific curriculum activities, teaching resources, or Title IX compliance alternatives. The following list provides general references on male and female physical development, on evidence of discrimination in women's physical education, on the design of physical education programs, and on requirements for achieving Title IX compliance. Congressional hearings related to Title IX are listed because they provide a general reference on the issue.

General Physical Development

Cobb, Robert A. and Lepley, Paul M. *Contemporary Philosophies of Physical Education and Athletics*. Columbus, Ohio: Charles E. Merrill Publishing Company, 1973.

Kagan, Jerome and Moss, Howard. *Birth to Maturity*. New York: John Wiley and Sons, Inc., 1962.

Rarick, G. Lawrence. *Human Growth and Development*. New York: Academic Press, 1973.

Women's Physical Education

Boslooper, Thomas and Hayes, Marcia. *The Femininity Game*. New York: Stein and Day, 1973.

Eastern Association of Physical Education of College Women. Proceedings of the Annual Fall Conference: *The Changing Scene*. Chicopee, Mass., 1974.

Gerber, Ellen W., et al. *The American Woman in Sport*. Reading, Mass.: Addison Wesley Publishing Company, 1974.

Harris, Dorothy V., ed. *DGWS Research Reports: Women in Sports*. 2 vols. Washington, D.C.: American Alliance for Health, Physical Education, and Recreation, 1971 and 1973.

_____. *Women and Sport: A National Research Conference*. State College, Pa.: Pennsylvania State University, 1972.

Hoepner, Barbara J., ed. *Women's Athletics: Coping With Controversy*. Washington, D.C.: American Alliance for Health, Physical Education, and Recreation, 1974.

Klafs, Carl E. and Lyon, M. Joan. *The Female Athlete: Conditioning, Competition, and Culture*. Saint Louis: The C.V. Mosby Company, 1973.

Peterson, Kathleen, et al., eds. *Women and Sports: Conference Proceedings*. Macomb, Illinois: Western Illinois University, 1973.

Spirduso, Waneen Wyrick, ed. *Bibliography of Research Involving Female Subjects*. Washington, D.C.: American Alliance for Health, Physical Education, and Recreation, 1974.

Physical Education Program Suggestions

Barry, Patricia E. *Ideas for Secondary School Physical Education*. Washington, D.C.: American Alliance for Health, Physical Education, and Recreation, 1976.

Gander, Mary J. *Feminine and Masculine Role Stereotyping in Physical Education and Competitive Sports*. Madison: Center for Extension Programs in Education, University of Wisconsin-Extension, 1974.

Title IX Compliance

Boesdorfer, R.K.; Hawthorne, Richard; Kaser, Joyce; and Patton, William. *A Guide for Title IX Self-Study*. Kent, Ohio: KEDS General Assistance Center, Kent State University, 1976.

Matthews, Martha and McCune, Shirley. *Complying with Title IX: Implementing Institutional Self-Evaluation*. Washington, D.C.: Resource Center on Sex Roles in Education, National Foundation for the Improvement of Education, 1976.

Project on the Status and Education of Women. *What Constitutes Equality for Women in Sport? – Federal Law Puts Women in the Running*. Washington, D.C.: Project on the Status and Education of Women, Association of American Colleges, 1974.

Taylor, Emily and Shavlik, Donna. *Institutional Self-Evaluation: The Title IX Requirement*. Washington, D.C.: Office on Women in Higher Education, American Council on Education, 1975.

Congressional Hearings

U.S. Congress. House. Committee on Education and Labor. *Hearing on House Concurrent Resolution 330 (Title IX Regulation): Hearing Before the Subcommittee on Equal Opportunities of the Committee on Education and Labor*. 94th Cong., 1st sess., 1975.

U.S. Congress. House. Committee on Education and Labor. *Sex Discrimination Regulations: Hearings Before the Subcommittee on Postsecondary Education of the Committee on Education and Labor*. 94th Cong., 1st sess., 1975.

U.S. Congress. Senate. Committee on Labor and Public Welfare. *Prohibition of Sex Discrimination, 1975: Hearings Before the Subcommittee on Education of the Committee on Labor and Public Welfare*. 94th Cong., 1st sess., 1975.